

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARRIE ADKINS,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Defendants.

NO: 4:20-CV-5104-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT is Plaintiff's Motion for Voluntary Dismissal of Claim Under 29 U.S.C. § 1132(a)(3) Without Prejudice (ECF No. 39). Because this claim is likely contingent upon the success of her claim under 29 U.S.C. § 1132(a)(1)(B), Plaintiff seeks dismissal without prejudice under Federal Rules of Civil Procedure 41(a)(2). The Court already granted Defendant's motion for judgment on the § 1132(a)(1)(B) claim, so Plaintiff now seeks dismissal of this remaining claim without prejudice so that a final judgment may be entered and

1 Plaintiff may proceed with her appeal of the underlying claim. Defendant does not
2 object.

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 1. Plaintiff's Motion for Voluntary Dismissal of Claim Under 29 U.S.C.

5 § 1132(a)(3) Without Prejudice, ECF No. 39, is **GRANTED**. Plaintiff's
6 claim under 29 U.S.C. § 1132(a)(3) is **DISMISSED** Without Prejudice.

7 2. All remaining deadlines, hearings and trial are **VACATED**.

8 3. The Clerk of Court shall enter Judgment in favor of Defendant according
9 to the Court's ruling at ECF No. 37 and Dismissal of the 29 U.S.C.

10 § 1132(a)(3) claim Without Prejudice.

11 The District Court Executive is directed to enter this Order and Judgment
12 accordingly, furnish copies to counsel, and **CLOSE** the file.

13 **DATED** March 24, 2021.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge